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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Claudia Devito : CIVIL ACTION No.:
Plaintiff, : 2:11-CV-03773 (SDW/MCA)
-against- :
Zucker, Goldberg & Ackerman, LLC : PLAINTIFF'S REPLY TO
DEFENDANT'S COUNTERCLAIM
Defendant, : Jury Trial Demanded
-----X

Plaintiff and Counterclaim-Defendant, Claudia Devito, by and through the undersigned attorneys, Molina, Villaplana, Colon & Baker, LLP., hereby responds to Defendant's answer to the amended complaint and counterclaim as follows:

1. Plaintiff is not obligated to respond to paragraphs "1" through "36" in Defendant's answer, since they are responses to the amended complaint.

2. Plaintiff denies each and every "Affirmative and Separate Defense" contained in Defendant's answer.

3. Plaintiff denies each and every "General Allegation" contained in Defendant's answer.

4. Plaintiff denies each and every allegation contained in paragraphs "1" through "4" of the "Counterclaim" section contained in Defendant's answer.

5. Plaintiff denies Defendant is entitled to damages or any other relief requested in the "WHEREFORE" clause following the "Counterclaim" section contained in Defendant's answer.

6. Plaintiff denies any and all allegations not specified above.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO DEFENDANT'S
COUNTERCLAIM PLAINTIFF ALLEGES AS FOLLOWS**

7. Plaintiff possesses a defense founded upon documentary evidence.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE TO DEFENDANT'S
COUNTERCLAIM PLAINTIFF ALLEGES AS FOLLOWS**

8. Defendant has not alleged or sustained any damages that were caused by Plaintiff, or for which Plaintiff is, or could be, legally responsible.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE TO DEFENDANT'S
COUNTERCLAIM PLAINTIFF ALLEGES AS FOLLOWS**

9. The Counterclaim fails to state a claim upon which relief may be granted against Plaintiff.

10. Plaintiff hereby gives notice that it intends to rely upon any other and additional defenses that are now or may become available during or as a result of the discovery proceedings in this action, and hereby reserves her right to amend this Reply to assert such defenses.

WHEREFORE, in addition to the relief requested in Plaintiff's amended complaint, Plaintiff respectfully requests that Defendant's Counterclaim and each and every cause of action and defense alleged therein be dismissed against Plaintiff, together with such other and further relief as the Court may deem just and Proper.

WHEREFORE, Plaintiff requests that the Counterclaim be dismissed in its entirety.

TRIAL BY JURY DEMANDED ON ALL CAUSES OF ACTION

Dated: January 28, 2013

Respectfully submitted,

By: /s/ Orlando Molina

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